D.B.CIVIL WRIT PETITION NO. 4652/2006
Mansa Ram v. Union of India & ors.

Date of order : 14.11.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri I.R.Choudhary for the petitioner

This writ petition is directed against the decision of the Central Administrative Tribunal, Jodhpur Bench dated 25.8.2004 dismissing the Original Application of the petitioner. The petitioner had approached the Tribunal seeking direction to allow him pensionary benefits.

Brief facts of the case are that the petitioner was appointed as Artisan Khalasi in Ajmer Division of the then Western Railway (now North-Western Railway) on 21.10.1957. On 23.5.1973 he resigned from service. In 1974 he was paid his provident fund dues as per the service conditions. In the Original Application which he filed before the Tribunal the petitioner took a stand that on 21.9.1974 he had submitted application opting for pension in lieu of provident fund but no decision was taken. He preferred another representation on 24.7.2001. The respondents in their reply questioned the genuineness of the application said to have been filed on 21.9.1974. Accepting the case of the respondents, observing that the claim had been made after

twenty nine years of retirement, the Tribunal rejected his application.

Though the claim of the petitioner was for grant of proportionate pension treating his resignation as retirement, it is not possible to accept the case of the petitioner. The petitioner on his own showing submitted a so-called conditional resignation. Resignation results in forfeiture of past services. Having accepted the provident fund dues he can not contend, much less after about three decades that resignation was not accepted by the respondent authorities. We do not think in the facts and circumstances, the Tribunal committed any error in dismissing the Original Application.

The writ petition is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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